

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CHRISTIE BOWERS,)	Case No.: C08-1768RSM
)	
Plaintiff,)	DECLARATION OF DEFENDANTS IN
)	SUPPORT OF DEFENDANT'S
vs.)	OPPOSITION TO WITHDRAW MR.
)	CAVAGNARO
ROBIN KLETKE and ROBIN COHEN,)	
husband and wife and the marital community)	
composed thereof,)	NOTE ON MOTION DOCKET:
Defendants)	MARCH 26, 2010

On behalf of Defendants, Robin Kletke and Robin Cohen, I Robin Kletke declare as follows:

1. We are the defendants in the above referenced case and are filing this declaration pro se.
2. Attached hereto as Exhibit A is a true and correct copy of an email from Mr. Mark Walters (plaintiff counsel) from March 19, 2010.

Defendants declare under penalty of perjury that the foregoing is true and correct.

Dated this __22nd__ Day of March, 2010.

/s/ Robin Kletke
Robin Kletke

16820 226th Ave NE
Woodinville, WA 98077
206-718-1237
robinkletke@hotmail.com

CERTIFICATE OF SERVICE

I, Robin Kletke, hereby certify that on March __22nd__, 2010, I filed with the Clerk of the Court via CM/ECF the foregoing DECLARATION OF DEFENDANTS IN SUPPORT OF DEFENDANT'S OPPOSITION TO WITHDRAW MR. CAVAGNARO. Said CM/ECF filing will send notifications of this filing to the following:

Gregory Cavagnaro
Law Offices of Gregory Cavagnaro
1400 112th Avenue SE #100
Bellevue, WA 98004
Lead Attorney for Plaintiff

Mark Walters
1411 Fourth Avenue, Suite 75
Seattle, WA 98101
Attorney for Plaintiff

I certify under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct.

Dated this _22nd____ Day of March, 2010 at Woodinville, WA

/s/ Robin Kletke
Robin Kletke

EXHIBIT A

RE: Joint Status Report

From: **Mark Walters** (mark@walterslawfirm.com)

Sent: Fri 3/19/10 12:27 PM

To: 'Robin Kletke' (robinkletke@hotmail.com)

First, I do not represent the Columbia River Agility Club, Lori Sage or Debbie Cooper so I have no response to your comments below regarding them.

We are not asking for a one sided discovery extension. I told Mr. Murphy that we would allow him to take whatever depositions he wanted to take.

Mr. Murphy and I agreed to continue the discovery cut off date so we could take both of your depositions and the deposition of SonoSite. This agreement was not contingent upon us having to do anything. Further, the Court is aware of this agreement. (See footnote 4 in the Order on the Motion for Sanctions (Dkt # 59)). I also believe the Court is expecting us to cooperate and agree on the new discovery cut off date as well as new dates for the other events listed in the chart below.

As for the outstanding discovery, if you can identify what you believe is missing and identify the applicable discovery request, we will endeavor to get it to you if it was requested and if we can. As far as outstanding documents, I am aware of the IRS forms, and we sent this to Mr. Murphy. I am also aware that you asked for copies of Ms. Bower's emails that you viewed, and that you believe this is outstanding. I explained to Mr. Murphy that we have no way of identifying which of Ms. Bowers' email messages that the two of you accessed and viewed so we cannot possibly produce them. Other than these two document items, I'm not aware of other documents you think is missing. Again, if you can let us know what is you believe is missing, we will work with you.

Finally, I added your proposed suggestion to the chart below and ask again that you please fill in the other boxes so we can consider your suggestions. If your answer is "defendants do not want to change this date" to any items in the chart below, please say so we know your final position.

Event	Current	Defendants' Proposal
Trial Date	June 21, 2010	
Discovery Completed by	February 19, 2010, but extended by agreement of the counsel	
All dispositive motions must be filed and noted on the calendar no later than the forth Friday thereafter (see CR 7(d))	March 5, 2010	04/30/2001
Mediation per CR 39.1 held no later than	May 5, 2010	

All motions in limine must be filed and by and noted on the motion calendar no later than the second Friday thereafter	May 24, 2010	
Agreed Pretrial order due	June 9, 2010	
Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	June 16, 2010	

Mark Walters**[Walters Law Firm PLLC](#) | [solutionsESI](#)**Ph: **206.254.0444** | Ph: 425.688.7620 | Cell: 206.669.6986

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From: Robin Kletke [mailto:robinkletke@hotmail.com]**Sent:** Thursday, March 18, 2010 9:14 PM**To:** mark@walterslawfirm.com**Subject:** RE: Joint Status Report

Mr. Walters,

It is our understanding that Judge Martinez asked for a report concerning the current status of discovery. We understand your desire to schedule depositions, but don't understand why you have not worked to remedy the current outstanding discovery items.

As previously indicated, we have wanted to schedule depositions since May, 2009. I believe that Mr. Murphy reiterated that in phone conversations and emails to you directly. It is our understanding that Mr. Murphy agreed to extend discovery for depositions with the assumption that you would deliver the outstanding discovery due to the defense. That would allow you to proceed with your depositions and for the defense to do the same. Unfortunately, since your arrival in the case, the only outstanding discovery item that has been delivered were the 4506 tax forms.

You indicated that you would work to enable the depositions for Lori Sage and Debbie Cooper and deliver the requested documents from those persons and the Columbia River Agility Club. We have not seen any of those documents to date. We have repeatedly asked for that information and indicated that it was necessary to develop proper questions. We have also indicated that we wish to depose those persons before Ms. Bowers.

Without concrete answers to our outstanding discovery requests, we are left without the necessary information to properly depose your client, or other potential witnesses.

Due to your lack of response to these matters, we contend that discovery is over. It hardly seems equitable to stipulate to an extension of discovery for what would be a set of one sided depositions.

We do agree to an extension of the dispositive motion deadline. Given our schedule (we are out of town for the next 2 1/2 weeks), we propose that the dispositive motion deadline be extended to 4/30/2010. This is a 6 week extension and will likely require altering the trial date and other dates in between.

Regards,

Robin Kletke

From: mark@walterslawfirm.com
To: robinkletke@hotmail.com
Subject: RE: Joint Status Report
Date: Thu, 18 Mar 2010 14:21:54 -0800

I apologize for the slow reply. I was in a mediation conference all day yesterday and my day today has been tied up on another lawsuit.

I realize it must seem like crazy to you, but I was not able to communicate directly with you until after the Court allowed Mr. Murphy to leave the case and entered the order for you to appear. Now that this is done, we are good to go.

Attached is what I believe to be a copy of the most recent order for the trial schedule. If you feel otherwise, please let me know.

Per the agreement we had with Mr Murphy before the Motion for Sanctions was decided, we need to know when you are free for your depositions. I am working with SonoSite to schedule that deposition, but have not heard back definitively yet. We will work to schedule this deposition at the SonoSite office and we'll try our best to work with your schedules.

Also, we need to alter a few dates on the case schedule. The discovery cut off date for one (to allow the agreed depositions above) and the dispositive motion cut off date. Mr. Murphy indicated that he wanted to take depositions and I'd like to hear from you on this as well.

Mr. Murphy also said he wanted to move the trial date. Is this something you are still hoping to do? I'd like to try to keep the trial date where it is, but we remain open minded on the scheduling issues.

What are your thoughts on the following dates? Please fill in the box to the right and perhaps we can work this out in short order.

Event	Current	Defendants' Proposal
Trail Date	June 21, 2010	
Discovery Completed by	February 19, 2010, but extended by agreement of the counsel	
Mediation per CR 39.1 held no	May 5, 2010	

later than		
All motions in limine must be filed and by and noted on the motion calendar no later than the second Friday thereafter	May 24, 2010	
Agreed Pretrial order due	June 9, 2010	
Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	June 16, 2010	

Thank you.

Mark Walters

Walters Law Firm PLLC | **solutionsESI**

Ph: **206.254.0444** | Ph: 425.688.7620 | Cell: 206.669.6986

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From: Robin Kletke [mailto:robinkletke@hotmail.com]

Sent: Wednesday, March 17, 2010 9:07 PM

To: mark@walterslawfirm.com

Subject: Joint Status Report

Mr. Walters,

We are resending this email now that the court has granted our motion to withdraw Mr. Murphy and allow us to proceed Pro Se.

As we indicated before, please respond with your thoughts about the JSR. Please send correspondence to this email address.

Robin Kletke

From: robinkletke@hotmail.com

To: mark@walterslawfirm.com

Subject:

Date: Thu, 11 Mar 2010 08:59:36 -0800

Hello Mr. Walters,

As you are aware, we are representing ourselves until we can find another attorney. We have filed a notice of pro se appearance with the court.

Please respond with your thoughts about the joint status report for the court. We would like correspondence to come to this email address.

robinkletke@hotmail.com

Regards,

Robin Cohen and Robin Kletke

